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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

UNITED STATES OF AMERICA

CR 05-60008-HO

v.

**PIROUZ SEDAGHATY, aka Pete
Seda,**

Defendant.

~~PROPOSED~~ ORDER

**PROTECTIVE ORDER PURSUANT TO SECTION 4 OF THE CLASSIFIED
INFORMATION PROCEDURES ACT AND FEDERAL RULE OF CRIMINAL
PROCEDURE 16(d)(1)**

This matter is before the Court on the “Government’s First *In Camera*, *Ex Parte*, Under Seal, Motion for Protective Order Pursuant to CIPA § 4 and Federal Rule of Criminal Procedure 16(d)(1).” The motion seeks authorization from this Court to substitute an unclassified summary in lieu of disclosure of original classified materials, and to withhold disclosure of certain classified materials from discovery.

1. The Court finds that the government’s motion was properly filed *in camera*, *ex parte* for this Court’s review, pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1). The

Submission contains classified information that requires protection against unauthorized disclosure for reasons of national security such that its disclosure to the defense, or to the public, reasonably could be expected to cause exceptionally grave or serious damage to national security. After *in camera*, *ex parte* inspection and consideration of the motion and memorandum of law, supporting declarations and exhibits (hereinafter, the "Submission"), the Court **GRANTS** the government's motion pursuant to Section 4 of CIPA and Rule 16(d)(1).

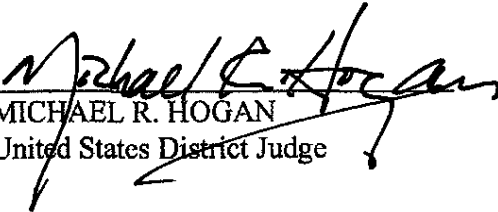
2. The government has proposed an unclassified summary as a substitute for certain specific classified information at issue. The Court finds that the unclassified summary will provide the defendant with substantially the same ability to make his defense as would disclosure of the original classified materials. Accordingly, pursuant to Section 4 of CIPA and Rule 16(d)(1), **IT IS HEREBY ORDERED THAT** the government is authorized to substitute the proposed unclassified summary of the specific information at issue substantially in the form proposed in the Submission and need not disclose to the defense the original classified materials.

3. The Court further finds that the classified materials sought to be protected in the Submission are not discoverable under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, Federal Rule of Criminal Procedure 16; and that the national security damage from disclosure to the defense, as articulated in the classified declarations submitted by the government, outweighs the defendant's need for the classified information at issue. Accordingly, **IT IS FURTHER ORDERED THAT** the government need not disclose to the defense the classified materials described in the Submission.

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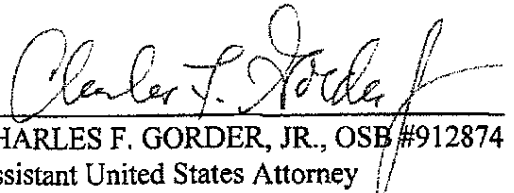
4. **IT IS FURTHER ORDERED** that the government's Submission is hereby sealed and shall be maintained in a facility appropriate for the storage of such classified information by the Court Security Officer as the designee of the Clerk of Court, in accordance with established security procedures, until further order of this Court.

SO ORDERED this 18th day of March 2009.


MICHAEL R. HOGAN
United States District Judge

Presented by:

KARIN J. IMMERGUT, OSB #963144
United States Attorney


CHARLES F. GORDER, JR., OSB #912874
Assistant United States Attorney

CHRISTOPHER L. CARDANI
Assistant United States Attorney